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REMARKS

It is noted that the Office Action Summary sheet states that claims 17-29 have been withdrawn from consideration, yet Examiner's opening paragraph, while acknowledging Applicants' election of Group I (Claims 1-16), states that claims 16-29 are withdrawn from consideration. In view of this inconsistency, Applicants' representative has proceeded with addressing this Reply to the claims of elected Group I, in the belief that claims 17-29 have been withdrawn from consideration.

Claims 1-16 are currently pending in the subject application and are presently under consideration. A version of all pending claims is found at pages 2-6. Applicants' representative notes with appreciation the Examiner's indication that claim 11 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants' representative respectfully reserves the right to do so at a later date. However, such amendments are not presently believed to be necessary in view of the comments herein. Favorable consideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-2 Under 35 U.S.C. §102(e)

Claims 1-2 stand rejected under 35 U.S.C. §102(e) as being anticipated by Klassen *et al.* (US 6,525,741). It is respectfully requested that this rejection be withdrawn for at least the following reason. Klassen *et al.* fails to teach or suggest each and every limitation set forth in the patent claim.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

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Independent claim 1 recites *a component to determine a foreground value (F) and an opacity value (a) for each pixel on the set wherein a is determined via a subpixel edge-offset to facilitate a separation of the foreground region from background portions of the image and to combine the foreground region with background portions from a new image*. Applicants' claimed invention relates to a system and method for enabling portions of image regions to be extracted from adjacent background regions via a sub-pixel edge offset determination at the contours of the extracted image region. The invention as claimed accomplishes extraction of a foreground image and its insertion into a new background image through determination of an opacity value (a) for edge contours of the extracted foreground image. The opacity value (a) is ascertained through a subpixel mixture analysis that utilizes a subpixel edge offset from the center of each contour pixel to determine a mixing ratio to enable smooth mixing of the foreground region with the background region. In this way, the amount of foreground color attributed to the contour pixels may be determined, enabling the smooth mixing of the background region with the contour pixels by enabling substantially the same proportion of the background region to be mixed as well as the proportion of the foreground region. Klassen *et al.* fails to teach or suggest these limitations.

Klassen *et al.* relates to a method for extracting a foreground image region from a key colored background image and combining the extracted foreground image region with a second background image. Klassen *et al.* effectuates extraction and combination of the foreground image region and background image by scaling up a pixel at the foreground/background boundary of the initial foreground/color keyed background image into a plurality of subpixels, as well as scaling up the corresponding pixel of the second background image into a matching number of subpixels. The subpixels of the initial foreground/color keyed background boundary are then analyzed to determine whether the subpixels of interest match the key color, in which case all the matching subpixels are replaced by corresponding subpixels from the secondary background image. Subpixels that do not match the key color from the initial background, are presumed to belong to the extracted foreground image, and are therefore replaced with an averaged color of all the non-key colored subpixels from the extracted foreground, whereupon these averaged colored subpixels are inserted into the secondary background image.

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It is apparent that the method described in Klassen *et al.* is distinguishable from that recited in the subject claims. The subject invention, rather than averaging all non-key colored subpixels within the foreground/background boundary to produce a single uniform average color for all the non-key colored subpixels therein, provides an opacity value (a). The determination of the opacity value (a) entails analyzing each and every subpixel within the foreground/background edge of the initial image; ascertaining the proportion of foreground to background color contained within individual subpixels; and stringently maintaining the subpixel proportions when the extracted foreground image is combined with a secondary background image, thus ensuring a seamless non-detectable insertion of an extracted foreground image into a secondary background image.

In view of at least the foregoing, it is apparent that Klassen *et al.* does not teach or suggest the subject invention as claimed. Accordingly, this rejection should be withdrawn with respect to independent claim 1 and those claims that depend there from.

II. Rejection of Claim 3 Under 35 U.S.C. §103(a)

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Klassen *et al.* in view of the paper "Intelligent Scissors for Image Composition" to Mortensen *et al.* It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Claim 3 depends from independent claim 1, and Mortensen *et al.* does not rectify the aforementioned deficiencies inherent in Klassen *et al.* with respect to independent claim 1 as discussed above. Further, utilization of the limitation "Intelligent Scissors" in claim 3 is simply intended as a term of art to illustrate an exemplary contour definition system that demarcates the selected foreground region of an image. In addition, the specification states that "Intelligent Scissors" is one of many well-known systems capable of providing foreground pixel contour definitions/selections. See, page 7, lines 18-21. Accordingly, withdrawal of this rejection and allowance of claim 3 is respectfully requested.

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III. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Klassen *et al.* in view of Schindler (US 5,630,037). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Claim 4 depends from independent claim 1, and Schindler does not make up for the aforementioned deficiencies inherent in Klassen *et al.* with respect to independent claim 1. Thus, claim 4 is believed to be in condition for allowance and this rejection should be withdrawn.

IV. Rejection of Claim 10 Under 35 U.S.C. §103(a)

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Klassen *et al.* in view of Moler (US 5,142,592). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Claim 10 depends from independent claim 1, and since Klassen *et al.* does not teach or suggest each and every limitation set forth in independent claim 1, Moler is insufficient to cure the deficiencies presented by Klassen *et al.* Accordingly, this rejection should be withdrawn.

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CONCLUSION

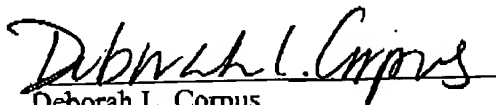
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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